

REMARKS

In the Office Action dated June 27, 2006, the Examiner rejects claims 1 and 5 under 35 U.S.C. § 101 and rejects claims 29 and 30 under 35 U.S.C. § 103(a) over an article by Orr, Alicia entitled "'Best ideas' for fund raising by phone," Target Marketing, v.21n.9 pp. 48-51 (Sept. 1998) ("Orr"). The Examiner objects to claims 2-4 and 6-8 as being dependent upon a rejected base claim, but specifies that these claims would be allowable if rewritten in independent form.

Applicant has amended claims 1 and 5 and canceled previously withdrawn claims 9-28. Claims 6 and 7 have also been amended to maintain consistency with amended claim 5, from which they depend.

I. Rejection of claims 1 and 5 under 35 U.S.C. § 101

Applicant has amended claim 1 to include an additional claim element reciting "notifying the identified users about the selected auction" and has amended claim 5 to include an additional claim element reciting "promoting the examined auction to the identified users," thereby clarifying, for each claim, a final result tied to the physical world. Accordingly, applicant respectfully requests that the rejection of claim 1 and claim 5 under 35 U.S.C. § 101 be withdrawn.

II. Rejection of claims 29 and 30 under 35 U.S.C. § 103(a)

Claim 29 recites a method in a computer for promoting a first auction in which a first user has bid. The method includes "in the computer system, identifying a second user that has not bid in the first auction and that has bid in a second auction in which the first user has bid" and "in the computer system, promoting the first auction to the second user." Claim 30 recites a computer system for promoting a first auction in which a first user has bid. The system includes "a user identification subsystem adapted to identify a second user that has not bid in the first auction and that has bid in a second auction in which the

first user has bid" and "an auction promotion subsystem adapted to promote the first auction to the second user." Accordingly, both claims 29 and 30 provide for promoting a first auction, identifying a first user that has bid on both the first auction and a second auction, and identifying a second user. This second user is identified by the fact that he/she has not bid in the first auction, but has bid in the second auction, along with the first user. The first auction is then promoted to the identified second user.

Pages 3 and 4 of the June 27, 2006 Office Action compare the subject matter of claims 29 and 30 to Orr's description of promoting a current donation campaign to one or more donors who have donated or participated in past campaigns but have not also donated in the current donation campaign. Based on this comparison, the Office Action asserts that the scheme for identifying potential donors described in Orr is analogous to the claimed techniques for identifying a user to which to promote an auction. In doing so, however, the Office Action ignores the claimed identification of a first user who has a bid in both the first auction and the second auction and is the basis for identifying a second user to which the first auction is promoted. Specifically, the second user is identified as a user that bid on the second auction in which the first user bid but did not bid on the first auction in which the first user bid. In contrast with applicant's techniques, Orr, without taking into account the activities of any donor other than the one to whom the current campaign is being promoted, merely describes targeting a group of "lapsed donors" who each "gave several times in the past, or on a regular basis, but have not responded to recent direct mail campaigns." (See Orr at page 2 under the heading "Reactivation by Phone.") There is no comparison between donors to determine which donor to target. Accordingly, Orr, whether viewed alone or in combination with the Official Notice taken by the Examiner regarding the automation of event promotion does not disclose or render obvious all the claim elements recited in claims 29 and 30. Applicant, thus, respectfully requests that the rejection of claims 29 and 30 under 35 U.S.C. § 103(a) be withdrawn.

The in view of the above, applicant believes the pending application is in condition for allowance. If the Examiner has any questions, he or she is encouraged to call the

undersigned at 206-359-3925. If the undersigned is unavailable, the Examiner may also call Steve Lawrenz, who is also a representative for applicant, at 206-359-6373. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 249768028US1 from which the undersigned is authorized to draw.

Dated: September 27, 2006

Respectfully submitted,

By 

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